

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	Docket No. 50-409
	)	Amendment to
DAIRYLAND POWER COOPERATIVE	)	Provisional Operating
	)	License No. DPR-45
(La Crosse Boiling Water Reactor)	)	(Spent Fuel Pool)

APPLICANT'S RESPONSE TO  
NRC STAFF MOTION TO EXTEND  
TIME FOR SUMMARY DISPOSITION

Pursuant to 10 CFR § 2.730(c), Dairyland Power Cooperative (Dairyland), the applicant for an amendment to Provisional Operating License No. DPR-45 in the above-captioned proceeding, hereby submits its response in support of the NRC Staff's Motion To Extend Time For Summary Disposition, dated November 17, 1978.

In this motion, the Staff pointed out that the existing deadline for the submission of summary disposition motions was based upon the assumption that the Staff's Safety Evaluation (SE) and Environmental Impact Appraisal (EIA) would be issued in mid-November 1978. Since it now appears that the SE and EIA will not be completed until January 1979, the Staff requested that the deadline for the submission of summary disposition motions in this proceeding be extended until January 31, 1979.

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While Dairyland does not concede that it would be inappropriate in every instance for the parties to submit, and the Board to rule upon, summary disposition motions concerning matters which are addressed in the SE or EIA until the SE and/or EIA are issued, Dairyland believes that the Staff has shown good cause for the extension of the time for the submission of summary disposition motions.

Accordingly, Dairyland supports the NRC Staff motion in principle. However, since the Staff request is based upon the relationship between the deadline for summary disposition motions and the SE and EIA issuance date (Cf. Duke Power Co. (McGuire 1 and 2), LBP-77-20, 5 NRC 680, 681 (1977)), Dairyland respectfully requests that the Board extend the deadline for the submission of such motions until 15 days after the issuance date of the SE and EIA.

Respectfully submitted,

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for O. S. Hiestand  
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Dated: November 21, 1978

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CERTIFICATE OF SERVICE

Service has on this day been effected by  
personal delivery or first class mail on the following  
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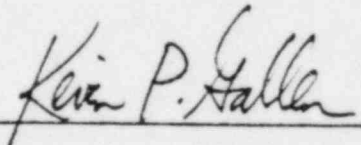
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for O. S. Hiestand

Dated: November 21, 1978